

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

DATACELL EHF.,

Plaintiff,

V.

VISA INC., VISA EUROPE LTD., and
MASTERCARD INCORPORATED,

Defendants.

Civil Action No. 1:14CV1658 (GBL/TCB)

DECLARATION OF JAMES P. MASTERSON

JAMES P. MASTERSON, pursuant to 28 U.S.C. ¶ 1746, hereby deposes and says:

1. I am Senior Vice President and Global Litigation Counsel for MasterCard International Incorporated (“MasterCard International”) and, in such capacity, I am familiar with the corporate structure of MasterCard International and its related companies, including MasterCard, Inc. I submit this declaration in support of the motion of MasterCard, Inc., pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3) and 12(b)(6) to dismiss the Complaint filed by DataCell ehf. I have read the Complaint filed by the plaintiff in this action.

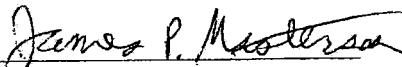
2. MasterCard, Inc. is a publicly-held corporation and a holding company. It is incorporated in Delaware, maintains its principal place of business in New York, and has no employees located in Virginia.

3. MasterCard International is a wholly-owned subsidiary of MasterCard, Inc. MasterCard International is incorporated in Delaware and maintains its principal place of

business in New York. It employs approximately five people in Virginia, none of whom had any involvement in the matters alleged in the Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Purchase, New York
May 5, 2015


James P. Masterson

Dated: May 8, 2015

Respectfully submitted,

/s/ Stephen E. Noona

Stephen E. Noona
Virginia State Bar No. 25367
Mark E. Warmbier
Virginia State Bar No. 77993
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3000
Facsimile: (757) 624-3169
senoona@kaufcan.com
mewarmbier@kaufcan.com

Martin S. Hyman (*pro hac vice* filed)
GOLENBOCK EISEMAN ASSOR BELL &
PESKOE, LLP
437 Madison Avenue
New York, NY 10022
T (212) 907-7360
F (212) 754-0777

Counsel for MasterCard Incorporated

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Philip J. Harvey
Virginia State Bar No. 37941
Jesse R. Binnall
Virginia State Bar No. 79292
Louise T. Gitcheva
Virginia State Bar No. 86200
HARVEY & BINNALL, PLLC
717 King Street, Suite 300
Alexandria, VA 22314
Telephone: 703-888-1943
Facsimile: 703-888-1930
pharvey@harveybinnall.com
jbinnall@harveybinnall.com
lgitcheva@harveybinnall.com

Counsel for DataCell ehf

Jacob S. Siler (Va. Bar No. 80934)
Andrew S. Tulumello (*pro hac vice* to be filed)
Robert Gonzalez (*pro hac vice* to be filed)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
tel: 202-955-8500
fax: 202-467-0539
JSiler@gibsondunn.com
ATulumello@gibsondunn.com
RGonzalez2@gibsondunn.com
Counsel for Defendant Visa Inc.

/s/ Stephen E. Noona

Stephen E. Noona
Virginia State Bar No. 25367
Mark E. Warmbier
Virginia State Bar No. 77993
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3000
Facsimile: (757) 624-3169
senoona@kaufcan.com
mewarmbier@kaufcan.com

*Counsel for Defendant MasterCard
Incorporated*